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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,195	04/15/2004	Anthony Angelino	CUPID 3.0-003	9785
530 7590 12/27/2006 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER IZAGUIRRE, ISMAEL	
			ART UNIT 3765	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/27/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/826,195	Applicant(s) ANGELINO ET AL.	
	Examiner Ismael Izaguirre	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-37 and 39-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,11-31,33-37,39-49,53 and 54 is/are rejected.
- 7) ☒ Claim(s) 4,6-10,32 and 50-52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/26/06</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____. |
|---|---|

DETAILED ACTION

The examiner is appreciative of the changes made to the language of the claims. These have been duly noted and considered.

CLAIMS

Summary

Claims 1,5,21,28,33,35,39,41,46,49 and 53 are the independent claims under consideration in this Office action.

Claims 2,4,6-20,22-27,29-32,34,36,37,40,42-45,47,48,50-52 and 54 are the dependent claims under consideration in this Office action.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,5,11,12,14,21,23-26,33-37,41-48,53 and 54 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lewis (GB 2,316,353A).

Lewis teaches a method for forming a garment and teaches the apparatus used therewith for forming the garment and specifically teaches cutting by forming a slit or perforation and providing an edge of a garment and placing at least one bead of silicone polymer at and over the edge of the fabric by using a dispenser which aligns the bead of silicone with an opening or openings and the edge of the material. The polymer is

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cured as for example, by heat, and thus encases the free ends of the fibers at the edge in a stretchable polymer material. Lewis teaches the fabric material as being stretchy and useful in a dress or a swim suit (page 3, line 14), which is at times worn as an undergarment, and where the method comprises disposing a bead (page 3, line 11) on the cut edge of the material and curing the polymer and further placing further cuts and polymer beads in a spaced fashion to the first bead for providing a means for expanding the material which bears against the skin of the user (page 3, lines 8-27) and thus accommodating the movement of the fabric.

Claims 1,2,21,23,27,28,30,33,41-44 and 46-49 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kiess (3,226,275).

Kiess teaches a method for forming a garment and teaches the apparatus used therewith for forming the garment and specifically teaches cutting and forming an edge of a garment (column 2, lines 58-62) and placing at least one bead of polymer at and over the edge of the fabric and curing the bead, as for example, by heat, and thus the cured polymer encases the free ends of the fibers at the edge in a stretchable polymer material. Kiess teaches the fabric material as being stretchy and useful in a toe closing operation of a hose and where the method comprises disposing a bead on the cut edge of the material and curing the polymer and further placing at least one further differently sized bead in a spaced fashion to the first bead where the cured beading accommodates the movement of the fabric.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13,15-20,22 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lewis.

Lewis discloses the invention substantially as claimed. See above for specific explanations of the structural details of this document. Briefly, Lewis teaches a garment formed with a cut edge, which includes a silicone polymer thereover for curing and preventing fraying of such cut edge. Lewis teaches a dispenser having a slot for accommodating and directing the polymer to the correct placement on the material. However, the dispenser of Lewis does not suggest having several slots of differing sizes, which would allow wider or narrower beads of polymer and monitoring the temperature of the fabric by providing heating stations and conveyor components with non-stick surfaces for supporting the material.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the dispensing of the polymer on the edge of the material as including a dispenser system with a multiplicity of dispenser openings, heating stations and a conveying system. Providing such would allow the accurate

control of the locating of the bead(s) of polymer on the materials and the careful process for curing the polymer.

Claim 27 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lewis.

Lewis discloses the invention substantially as claimed. See above for specific explanations of the structural details of this document. Briefly, Lewis teaches a garment formed with a cut edge, which includes a silicone polymer thereover for curing and preventing fraying of such cut edge. However, Lewis does not specifically suggest the edge or plurality of polymer beads as including a curved, S-shaped, dotted or non-continuous path.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the path of the polymer as following, mirroring or otherwise provided with a pattern along the garment portions either for providing a decoration or providing the garment with specific located stretchability as taught on page 3, lines 8-27. Providing the polymer is a pattern along the edge or another location on the garment piece would allow the proper location of connection points between fabric pieces or provide a decoration or a specific fitting function of the garment.

Claims 28,29,39 and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lewis.

Lewis discloses the invention substantially as claimed. See above for specific explanations of the structural details of this document. Briefly, Lewis teaches a garment formed with a cut edge, which includes a silicone polymer thereover for curing and

preventing fraying of such cut edge. However, Lewis does not specifically suggest the edge or plurality of polymer beads as including a curved, S-shaped, dotted or non-continuous path.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the path of the polymer as following, mirroring or otherwise provided with a pattern along the garment portions either for providing a decoration or providing the garment with specific located stretchability as taught on page 3, lines 8-27. Providing the patterns above would allow the garment to be more appealing to the consumer and allow the maker to shape the garment as desired.

ALLOWABLE SUBJECT MATTER

Claims 4,6-10,32 and 50-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Drawings

Figures 2a-2c and 3a-3c and 8a and 8b should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. Each of the drawings and descriptions thereto should be checked to see if a Prior Art legend is applicable to further drawings as well, other than those noted above. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the

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changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Flood, Booth, Estes et al., and Slood illustrate polymers placeable on the edge of a material and bonding the edges thereof.

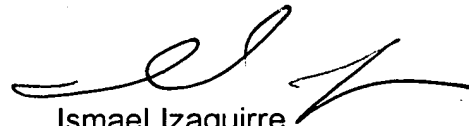
INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ismael Izaguirre
Primary Examiner
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II
12/20/06